

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

KIMBERLY A. COPELAND,

Plaintiff,

v.

LOGISTICARE SOLUTIONS,

Defendant.

Electronically Filed

CIVIL ACTION NO. 2:20-cv-1302

NOTICE OF REMOVAL

TO: William T. Walsh, Clerk
United States District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street Room 4015
Newark, New Jersey 07101

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, defendant LogistiCare Solutions, LLC (“Defendant”) (improperly pled as "Logisticare Solutions"), by and through its undersigned attorneys, hereby removes the above-captioned matter from the Superior Court of New Jersey, Law Division, Special Civil Part, Middlesex County, to the United States District Court for the District of New Jersey. Removal is proper based upon the following:

Commencement of Action in State Court

1. Plaintiff Kimberly A. Copeland (“Plaintiff”) commenced a civil action in the Superior Court of New Jersey, Law Division, Special Civil Part, Middlesex County, by filing a Complaint and Jury Demand on or about January 3, 2020, captioned *Kimberly A. Copeland v. LogistiCare Solutions*, Docket No. MID-DC-207-20.

2. On or about January 13, 2020, a copy of the Complaint and Jury Demand was served upon Defendant. Pursuant to 28 U.S.C. § 1441(a), copies of these documents, which

together constitute all process, pleadings and orders received by Defendant in this matter, are attached hereto as **Exhibit A**.

3. This Notice of Removal is timely filed in accordance with 28 U.S.C. 1446(b), in that it is filed within thirty (30) days after January 13, 2020, the first date on which Defendant was provided with any pleading or other paper in this matter, and this case has been on file for less than one year.

Nature of Claims

4. In her Complaint, Plaintiff alleges that she was formerly employed by Defendant and alleges, *inter alia*, that Defendant terminated her employment in violation of the Americans with Disabilities Act (“ADA”) and her “civil rights.”

5. Plaintiff also alleges claims of harassment and hostile work environment.

Federal Question Jurisdiction

6. This action is removable to this Court pursuant to 28 U.S.C. §§ 1441(a) and (c) in that, as shown below, it is one over which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1331 because the Complaint asserts a civil action arising under the laws of the United States.

7. Plaintiff’s state law claims do not raise novel or complex issues of state law, nor do they substantially predominate over Plaintiff’s claims.

Venue

11. The District of New Jersey is the proper venue for removal pursuant to 28 U.S.C. § 1441(a) because the action is pending in the Superior Court of New Jersey, Law Division, Special Civil Part, Middlesex County, located within the District of New Jersey, Plaintiff allegedly resides

in Middlesex County, New Jersey, and was employed by Defendant in New Jersey, also located within the District of New Jersey.

Notice

12. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being submitted for filing to the Clerk of the Superior Court of New Jersey, Middlesex County, and is being served upon Plaintiff Pro Se. A copy of Defendant's Notice of Filing of Notice of Removal is attached hereto as **Exhibit B**.

Basis for Removal

13. Based on the foregoing, this action is properly removable under 28 U.S.C. §§ 1441(a) and (c) on the ground that this Court has original jurisdiction over this case under 28 U.S.C. § 1331 and supplemental jurisdiction under 28 U.S.C. § 1367.

14. This Notice of Removal is being filed within 30 days after the basis for removal was asserted, and is therefore timely under 28 U.S.C. § 1446(b).

15. By filing this Notice of Removal, Defendant does not waive, and fully reserves, all defenses it may have, including but not limited to defenses of lack of personal jurisdiction, lack of subject matter jurisdiction, and failure to state a claim upon which relief may be granted.

WHEREFORE, Defendant respectfully requests that this matter be removed to the United States District Court for the District of New Jersey and requests that this Court assume full jurisdiction over this action as provided by law.

Dated: February 6, 2020

FORD HARRISON LLP

/s/Keya C. Denner

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*Attorneys for Defendant LogistiCare
Solutions, LLC*

CERTIFICATION PURSUANT LOCAL RULE 11.2

I hereby certify that, to the best of my knowledge, the matter in controversy is not the subject of any other pending or anticipated litigation in any court or arbitration proceeding, nor are there any non-parties known to Defendant that should be joined in this action.

Respectfully submitted,

/s/Keya C. Denner
KEYA C. DENNER